

RESPONSE

Amendments to the Specification

Applicant has amended the specification in paragraphs [0130], [0131] and [0228], to make corrections that address the objections by the Examiner.

Claim Amendments

Applicant has amended the Claims 1, 6, 7, 9, 15, 51, 53, 54, 57-60, 64, 66 and 67 to make corrections that address objections by the Examiner. Applicant notes that in Claim 7, line 5, “user” has been deleted after the second occurrence of “of”.

Rejections under 35 USC 112, 2nd Paragraph

The Examiner rejected Claims 1-4, 6-15, 22 and 44-67 as indefinite, as to whether the claim of keys are positively claimed or inferentially claimed.

Applicant has amended Claims 1, 6, 7 and 60 to show the set (or subset) of keys as an element of the claims.

Applicant has amended Claim 51 and Claim 64 to provide that at least one change ball is disposed in the second position to configure the lock for operation with one of the user keys. These amendments clarify in Claims 51 and 64 that the lock can not be configured to operate with a user key when the change tool is disposed within the change tool slot, since (according to Claim 1 and 60, respectively) the change ball is moved from the second position within the retainer cavity upon insertion of the change tool into the change tool slot.

Nonstatutory Obviousness-Type Double Patenting

The Examiner provisionally rejects Claims 1-4, 6-15, 22, 23 and 44-67 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-20 of copending application 11/178,627, Applicant traverses.

Copending U.S. Application 11/178,627 claims a programmable lock that has a plug rotatable to a temporary programming position and to a main programming position, at least one main retainer cavity that align with diver chambers when the plug is in the main programming position, and at least one temporary retainer cavity that align with the driver chambers when the plug is in the temporary programming position. The instant claims do not include such

limitations, and Applicant contends the claims of 11/178,627 are not obvious in view of the claims of the present application, and therefore are patentably distinct.

The Examiner also rejects the same claims provisionally for nonstatutory obviousness-type double patenting over copending U.S. application 11/192,755, Applicant traverses.

Copending U.S. application 11/192,755 claims a programmable lock having a means for preventing the plug from rotating to a programming position when using a user key, to prevent a user key from being used to reprogram the lock for use with a different user key. The instant claims do not include such limitation, and, Applicant contends the claims of 11/192,755 are not obvious in view of the claims of the present application, and are therefore patentably distinct.

Applicant's Declaration of Prior Art Lock

Applicant is not aware of any written publication that shows a standard cylinder lock having a plug with a plurality of standard tumbler changers, and a plurality of blind holes, each blind hole off-set radially from one of the tumbler chambers, with only one small ball within one of the blind holes, or with a plurality of smaller balls all clustered into a single one of the blind holes.

Conclusion

Applicant believes that the amendments to the disclosure and the claims provide a complete and full response to the objections and rejections raised by the Examiner in the last action, and believe the same place the application into condition for allowance.

Respectfully submitted,
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